

Message Text

SECRET

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ACTION NEA-10

INFO OCT-01 ISO-00 OES-07 SS-15 PM-05 L-03 INR-10
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FM AMEMBASSY NEW DELHI
TO SECSTATE WASHDC NIACT IMMEDIATE 929
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S E C R E T NEW DELHI 5880

STADIS////////////////////////////////

E.O. 11652: GDS
LAGU: MNUC, ECGR, IN, US

REF: (A) STATE 94137; (B) NEW DELHI 5816 (BOMBAY 929);
(C) NEW DELHI 5463 (D) BOMBAY 935 (NOTAL: (E) STATE 90251

1. WE AGREE THAT IF IN THE DEPARTMENT'S CONSIDERED
JUDGMENT "CONFIRMATION OF EXISTING ASSURANCES" MUST
BE SOUGHT FROM THE GOI AT THIS TIME, IT IS MUCH BETTER
TO DO IT IN THE US AT THE NYE/VELLODI LEVEL THAN TO
ATTEMPT IT AT A HIGH POLITICAL LEVEL IN INDIA. IT SEEMS
TO US THAT NYE SHOULD BE ABLE TO DEAL WITH THIS PROBLEM
WITH GREATER FLEXIBILITY THAN WE COULD. HE AND VELLODI
MAY BE ABLE TO HAVE WHAT WILL APPROACH A NEGOTIATING
SESSION, A SITUATION WHICH WILL BE QUITE DIFFERENT FROM
WHAT WE WOULD HAVE ENCOUNTERED HAD WE SOUGHT TO CARRY OUT
THE ORIGINAL INSTRUCTIONS.

2. AS CONSULATE GENERAL BOMBAY'S REPORT (REF B) OF
THE APRIL 12 CONVERSATION THERE WITH SETHNA INDICATES, THE
QUESTION OF WHAT HAPPENS TO THE SPENT FUEL AT TARAPUR IN
THE EVENT OF A TERMINATION OF SUPPLY APPEARS TO BE NEAR THE
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TOP OF THE INDIAN NUCLEAR AGENDA. SPECIFICALLY SETHNA,
PROBABLY REFLECTING PRESSURES FROM ABOVE AND BELOW, IS
SEEKING URGENTLY A FORMAL REPLY TO THE GOI REQUEST FOR A
REPLY TO ITS REQUESTS FOR A "JOINT DETERMINATION" ON
REPROCESSING. WE BELIEVE SETHNA IS TELLING US THAT POLITICAL
PRESSURES WITHIN INDIA WILL NOT PERMIT THE GOI SIMPLY TO
LEAVE THE SPENT FUEL IN THE POOLS AT TARAPUR IF WE IN EFFECT

SHUT DOWN REACTORS THERE. THIS IS IN CONSONANCE WITH OUR
EARLIER CONCLUSIONS, SPELLED OUT IN REF C.

3. WE BELIEVE THAT ONCE WE RAISE THE QUESTION OF CONTINUING
SAFEGUARDS IN THE EVENT OF A POSSIBLE CESSATION OF FUEL
SUPPLY, THE INDIANS WILL IN TURN RAISE THE RELATED ISSUES
OF REPROCESSING OR, ALTERNATIVELY, BUY BACK (LATER AT OUR
EXPENSE AND WITH COMPENSATION FOR THE CONTAINED ENRICHED
URANIUM AND PLUTONIUM). IN THIS EXCHANGE, THERE WILL
INEVITABLY BE ELEMENTS OF BARGAINING ON BOTH SIDES. WE
BELIEVE THAT NYE WILL HAVE THE BEST (THOUGH STILL LIMITED)
PROSPECT FOR SUCCESS IF HE AND THE INDIANS CAN AVOID PINNING
ONE ANOTHER DOWN ON THE REPROCESSING QUESTION WHEN DEALING WITH
THE PROBLEM OF THE ASSURED MAINTENANCE OF IAEA SAFEGUARDS
BEYOND THE DURATION OR STATUS OF THE BILATERAL
AND TRILATERAL AGREEMENTS (REF E, PARA 5). AS WE
POINTED OUT TO THE DEPARTMENT IN OUR MESSAGE (REF C), DESAI
HAS ALREADY MADE IT CLEAR TO PARLIAMENT THAT HE WOULD FEEL
FREE TO UNDERTAKE REPROCESSING OF TARAPUR SPENT FUEL IF WE
BREAK OUR AGREEMENT TO SUPPLY FRESH FUEL. IT IS UNREASONABLE
TO EXPECT THAT HE WILL NOW BE PREPARED FORMALLY TO STATE
OTHERWISE. IF BOTH SIDES COULD AGREE IN THEIR APRIL 15
DISCUSSIONS TO LEAVE OPEN -- POSSIBLY FOR SUBSEQUENT FORMAL
RENEGOTIATION PROCEEDINGS, AFTER WE HAVE MADE PROGRESS IN
MEETING DESAI'S CONDITIONS FOR SAFEGUARDS -- THE
SENSITIVE ISSUE OF THE CONTINUING APPLICABILITY AFTER

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THE AGREEMENT'S LAPSE OF THE TARAPUR REPROCESSING
CO-DETERMINATION CLAUSE AND OF THE BUYBACK ISSUE, WE
MIGHT HAVE AT LEAST A FIGHTING CHANCE OF A FAVORABLE
GOI REACTION. WE ARE NOT CERTAIN WHETHER SUCH AN APPROACH IS
FEASIBLE GIVEN THE CENTRAL POSITION OF REPROCESSING IN
OUR NON-PROLIFERATION STRATEGY, BUT GIVEN THE ODDS WE
THINK IT'S WORTH CONSIDERING. IF, ON THE CONTRARY, WE
CONFRONT THE TOUGHEST ISSUES IN THE BEGINNING IT WILL
BE MOST DIFFICULT TO SHOW THE KIND OF PROGRESS THAT THE
NRC EXPECTS AND MAY DEMAND BEFORE IT APPROVES FURTHER
FUEL SHIPMENTS. AND SHOULD SHIPMENTS STOP, WE SHALL HAVE
A DE FACTO TERMINATION OF THE AGREEMENT THAT, MANY INDIANS
FEEL, LEAVES THEM FREE TO TAKE MEASURES WHICH WILL DEFEAT THE
ESSENTIAL PURPOSES OF OUR NON-PROLIFERATION STRATEGY.
GOHEEN

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